

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,  
:  
:  
v.  
:  
File No. 2:99 CR 35  
:  
TRAVIS LAPLANT  
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed January 14, 2005. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 is **GRANTED**. It is also ordered that the goverment's request for alternative relief is GRANTED, and the Court hereby orders the Probation Department to prepare a revised pre-sentence report prior to resentencing. Also,

LaPlant's motion for appointment of counsel (Paper 42) is  
**DENIED.**

Dated at Burlington, in the District of Vermont, this  
12th day of July, 2005.

/s/William K. Sessions III

William K. Sessions III  
Chief Judge  
U.S. District Court